

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

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|-------------------------------------|---|-----------------------------------|
| WALA AL-MOSAWI, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 08-CV-594-JHP-FHM |
| |) | |
| MICHAEL B. MUKASEY, Attorney |) | |
| General; et al., |) | |
| |) | |
| Respondents. |) | |

OPINION AND ORDER

This is a 28 U.S.C. § 2241 habeas corpus action. Petitioner Wala Al-Mosawi is an alien detainee who is subject to a final order of removal from the United States. He is presently being detained by the United States Immigration and Customs Enforcement (“ICE”), awaiting removal to his native country of Iraq. In his petition, Petitioner seeks release from detention.

On December 22, 2008, counsel for Respondents filed a notice (Dkt. # 11) advising the Court that the Iraqi Consulate has no intention of sending travel documents for Petitioner. As a result, the government states that at this time, it is unable to proceed with removal of Petitioner from the United States. The government requests that Petitioner be released from ICE detention, subject to rules and conditions of supervision.

Based on the notice provided by the government, the Court finds Petitioner’s continued detention is unreasonable and his § 2241 petition for writ of habeas corpus should be granted. Zadvydas v. Davis, 533 U.S. 678, 699-701 (2001). It has come to the Court’s attention, however, that Petitioner has outstanding arrest warrants issued by Oklahoma County, State of Oklahoma.

Therefore, upon his release from ICE detention, Petitioner shall be returned to the custody of the Oklahoma County Sheriff on the outstanding arrest warrants issued by Oklahoma County.

The government represents that it will continue to try to obtain travel documents for Petitioner to be deported to Iraq. Because Petitioner remains subject to removal from the United States, Deportation Officer Charnel Wright of Oklahoma City, Oklahoma, shall establish rules and conditions of supervision for Petitioner, subject to approval by ICE Headquarters in Washington, D.C. See 8 U.S.C.A. § 1231(a)(3) (West 2005) (granting authority to Attorney General to prescribe regulations governing supervision of aliens not removed within 90 days). Upon release from the custody of the State of Oklahoma, Petitioner shall report immediately to the Immigration and Customs Enforcement Office, in Oklahoma City, Oklahoma, to be supervised by the Deportation Officer.

As a result of today's ruling, Respondents' "motion to dismiss Petitioner's request for habeas corpus relief" has been rendered moot.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. Petitioner's 28 U.S.C. § 2241 petition for writ of habeas corpus (Dkt. # 1) is **granted**.
2. Petitioner shall be released from ICE detention and returned to the custody of the Oklahoma County Sheriff on the outstanding arrest warrants issued by Oklahoma County.
3. Petitioner remains subject to removal from the United States. Deportation Officer Charnel Wright of Oklahoma City, Oklahoma, shall establish rules and conditions of supervision for Petitioner, subject to approval by ICE Headquarters in Washington, D.C.

4. Respondents' motion to dismiss Petitioner's request for habeas corpus relief (Dkt. # 6) is **declared moot.**

DATED THIS 24th day of December, 2008.



James H. Payne
United States District Judge
Northern District of Oklahoma